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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

PAULIINA GREAVES and WESLEY
GREAVES,

Plaintiff,

v.

RAD POWER BIKES, INC.

Defendants.

**NOTICE OF REMOVAL OF A CIVIL
ACTION FROM STATE COURT TO
FEDERAL COURT**

Civil No. 2:22-cv-00242-JNP

Judge Jill N. Parrish

Pursuant to 28 U.S.C. §§ 1446 and 1441(b), Defendant Rad Power Bikes, Inc. (“Rad”), by and through the undersigned counsel, hereby gives notice of removal of the civil action pending against it in the Third Judicial District of Salt Lake County, State of Utah. The grounds for removal are as follows:

1. This action was commenced by the filing of a Complaint in the Third Judicial District of Salt Lake County, State of Utah, Civil No. 220901395, on or about March 3, 2022 (the “State Court Action”). A true and correct copy of Plaintiff’s Complaint (“Complaint”) is attached hereto as **Exhibit “1”**.

2. Defendant Rad was served a copy of the Summons and Complaint on March 16, 2022, as shown in the Return of Service and Summons attached as **Exhibit “2”**.

3. Attached as **Exhibit “3”** is a copy of the state court docket filed in the State Court Action.

4. Defendant Rad is incorporated in the State of Washington with its headquarters in the State of Washington. (*See also* Exhibit 1, Compl. at ¶ 4.)

5. Plaintiffs’ Complaint alleges that Plaintiffs, Pauliina Greaves and Wesley Greaves, are residents of Salt Lake County, Utah. (Exhibit 1, Compl. at ¶ 3.) Upon information and belief, Plaintiffs are not citizens of any other states for the purposes of 28 U.S.C. § 1332.

6. Pursuant to 28 U.S.C. §1446(b)(2)(A), Defendant is the only named defendant. Therefore, consent by any other defendant is not an issue.

7. Plaintiffs’ Complaint alleges that Plaintiff Pauliina Greaves was injured in a bicycle accident caused by a defect in the bicycle purchased from Rad. Plaintiff Wesley Greaves alleges loss of consortium. Plaintiffs seek “past and future medical bills, wages, and other out-of-pocket losses in an amount to be fully ascertained,” “general damages,” “[c]onsortium damages” plus interest, attorney fees, and costs. (*See* Exhibit 1, Plaintiff’s Complaint at p. 20 (Prayer for Relief).) They allege that their “action is filed pursuant to Tier III of Rule 26, Utah Rules of Civil Procedure.” (*Id.* at ¶ 1.) Tier III governs actions where the damages claimed are \$300,000 or more. Utah R. Civ. P. 26(c)(5). Additionally, Plaintiffs’ submitted a demand letter to Defendant alleging \$158,397.42 in special damages and requesting \$750,000 as compensation for Plaintiffs’ claims. The amount in controversy, therefore, exceeds the sum of \$75,000.00, exclusive of interests and costs, and the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied. *See* 28 U.S.C. § 1446(c)(2).

8. This Court has diversity jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties and the amount in controversy requirement has been satisfied. Removal of this action to this Court is, therefore, proper pursuant to 28 U.S.C. § 1441(a).

9. The District Court for the Third Judicial District of Salt Lake County, State of Utah, is located within this Court's jurisdiction.

10. Contemporaneous with this filing, Defendants are filing a copy of this Notice with the Clerk of the Third Judicial District of Salt Lake County, State of Utah and serving that Notice upon Plaintiff's counsel via electronic filing notifications.

WHEREFORE, removing Defendants notify this Court, Plaintiff and the District Court for the Third Judicial District, Salt Lake County, State of Utah, that this action has been removed to the United States District Court for the District of Utah, Central Division, in accordance with 28 U.S.C. § 1446.

DATED this 6th day of April, 2022.

CHRISTENSEN & JENSEN, P.C.



Sarah Elizabeth Spencer
Zachary C. Myers
Attorneys for Defendants
Rad Power Bikes Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2022, a true and correct copy of the foregoing **NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT** was delivered via the court's electronic filing system to the following:

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